

***United States Court of Appeals***

FIFTH CIRCUIT  
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December 06, 2021

Mr. David Crews  
Northern District of Mississippi, Aberdeen  
United States District Court  
301 W. Commerce Street  
Aberdeen, MS 39730


No. 21-60826      In re: Anthony Strong  
USDC No. 1:21-CV-144

Dear Mr. Crews,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Majella A. Sutton, Deputy Clerk  
504-310-7680

cc w/encl:  
Mr. Anthony Strong

# United States Court of Appeals for the Fifth Circuit

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No. 21-60826

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A True Copy  
Certified order issued Dec 06, 2021

*Styl W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

IN RE: ANTHONY STRONG,

*Movant.*

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Motion for an Order Authorizing  
the United States District Court  
for the Northern District of Mississippi  
to Consider a Successive 28 U.S.C. § 2254 Application

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Before SMITH, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:

Anthony Strong, federal prisoner #13410-025, moves for authorization to file a successive 28 U.S.C. § 2254 application to challenge his conviction and sentence for aggravated assault. He seeks to argue that he should be released from custody by the State of Mississippi when he completes his federal sentence and that the evidence does not support his conviction.

To obtain authorization, Strong must make a *prima facie* showing that his claims rely on “a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable,” or that “the factual predicate for the claim[s] could not have been discovered previously through the exercise of due diligence” and “the facts underlying the claim[s], if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for consti-

No. 21-60826

tutional error, no reasonable factfinder would have found [him] guilty.”  
28 U.S.C. § 2244(b)(2); *see* § 2244(b)(3)(C).

To the extent Strong’s proposed claims were raised in his initial § 2254 application, we will not consider them. *See* § 2244(b)(1). To the extent Strong raises new claims, he has not made the requisite showing. *See* § 2244(b)(2), (3)(C). Strong also asserts that he is actually innocent. Even if a showing of actual innocence could be used as a gateway to filing a successive § 2254 application, such relief would not be warranted because Strong offers no new evidence showing that “it is more likely than not that no reasonable juror would have found [him] guilty beyond a reasonable doubt.” *Schlup v. Delo*, 513 U.S. 298, 327–29 (1995) (quote at 327); *see also McQuiggin v. Perkins*, 569 U.S. 383, 399 (2013).

IT IS ORDERED that Strong’s motion for authorization to file a successive § 2254 application is DENIED.